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One Nevada Credit Union

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSEPH J. SMITH,

Plaintiff,

vs.

ONE NEVADA CREDIT UNION,

Defendant.

Case No.: 2:16-cv-02156-GMN-NJK

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

ONE NEVADA CREDIT UNION ("Defendant" or "ONCU"), by and through its counsel of record, hereby files Defendant's Response to Plaintiff's Motion for Final Approval of Class Action Settlement ("Motion").

1. ONCU agrees that the parties have reached a settlement that should be approved by the Court.¹

¹ Defendant concurs, for example, that a settlement was reached; that the settlement was non-collusive and the by-product of arms' length negotiations; that the parties disputed the strength of plaintiff's claims and whether the claims were suitable for class action treatment; that further litigation would be extensive and complex and would cause the parties to incur significant risks and expenses; that the amount offered will fairly and adequately compensate class members; that this is a reasonable settlement; and, that certification of the settlement class is appropriate.

1 2. This Response (non-opposition) is being filed separately as opposed to a joint
2 motion.

3 3. ONCU is filing a separate document as not to concede to every factual statement
4 and/or allegation contained in the Plaintiff's Motion

5 In sum, the parties' settlement should be ultimately be approved.

6 DATED this 20th day of February, 2019.

7 **SANTORO WHITMIRE**

8
9 /s/ James E. Whitmire

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14 *Attorney for Defendant One Nevada Credit Union*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 20th day of February, 2019 and pursuant to Fed. R. Civ. P. 5(b), a true and correct copy of the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT** was electronically filed with the Clerk of the Court by using ECF service which provide copies to all counsel of record registered to receive ECF notification in this case to wit:

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